REMARKS

In the Office Action, claims 1-5, 8-15, 18-19, 26-30, and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0066463 in view of U.S. Patent No. 6,025,050 Srinivasan et al., U.S. Patent No. 6,429,854 Currie et al. and U.S. Patent No. 5,830,317 Vinson et al..

Claims 1-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0066463 in view of Srinivasan et al., Currie et al. and Vinson et al. as set forth above, and further in view of EP 1212974.

Claims 1-67 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of copending Application No. 10/745,327 in view of EP 066463 in view of Srinivasan et al., Currie et al. and Vinson et al.

Claims 1-67 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-91 of copending Application No. 10/733,169 in view of EP 066463, in view of Srinivasan et al., Currie et al. and Vinson et al.

Claims 1-67 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-131 of copending Application No. 10/321,831 in view of EP 066463, in view of Srinivasan et al., Currie et al. and Vinson et al.

Claims 1-67 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-220 of copending Application No. 10/322,277 in view of EP 066463, in view of Srinivasan et al., Currie et al. and Vinson et al.

Claims 1-67 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-132 of copending Application No. 10/036,736 in view of EP 066463, in view of Srinivasan et al., Currie et al. and Vinson et al.

A. Amendments to the Claims

Claim 1 has been amended to indicate that the liquid absorbent structure comprises a plurality of fibrous cellulosic webs, with the webs including at least eight paper webs containing at least 5% by weight high-yield fibers.

Claims 15, 22 and 24 have been cancelled.

B. §103 Rejections

The §103 Rejections of independent claims 1, 33, and 52 should be withdrawn for at least the reason that the Office Action fails to set forth adequate reasoning as to why one of ordinary skill in the art would arrive at the claimed subject matter.

Claim 1 as amended recites an absorbent structure comprising "a plurality of fibrous cellulosic webs, the webs including at least eight paper webs containing at least 5% by weight high yield fibers." Each of claims 33 and 52 recite an absorbent structure comprising "a plurality of fibrous cellulosic webs comprising high yield fibers, the liquid absorbent structure including at least 8 layers of the webs."

In the Office Action mailed December 13, 2007, claim 1 was rejected as an allegedly obvious combination of EP 0066463, U.S. Patent No. 6,025,050, U.S. Patent No. 5,429,854, and newly-added U.S. Patent No. 5,830,317. EP 0066463 is relied upon for allegedly disclosing a cleaning sheet comprising a plurality of plies of cellulosic material, U.S. Patent Nos. 6,025,050 and U.S. Patent No. 5,429,854 are relied upon as allegedly teaching perforation using heated pins as set forth in previous Office Actions.

The Office Action notes that its combination based on EP '463 does not teach employing high yield cellulosic fibers. U.S. Patent No. 5,830,317 is relied upon as teaching the use of high-yield cellulosic fibers, and the Office Action alleges it would have been obvious to one of ordinary skill to substitute high yield fibers for the cellulosic fibers of EP '463 motivated to reduce consumption of forest products.

In rejecting claims 1 – 67 at page 4-6, The Office Action alleges that the particularly claimed numbers of layers would be obvious to select through the process of routine experimentation "in order to arrive at a cleaning sheet[ ] having the optimum absorbency and softness" since EP '463 allegedly teaches that cellulosic plies are

provided in order to provide softness and absorbency to the cleaning sheet. See Office Action at Page 6.

1. The Claimed Number of Sheets Would not be the Result of "Routine" Experimentation.

Applicants respectfully request withdrawal of the rejections for at least the reason that the claimed number of sheets would not be the result of "routine" experimentation.

Particularly, the Office Action asserts that it would be obvious to use high-yield fibers for the cellulosic fibers of EP '463 in order to reduce consumption of forest products. Assuming (for the sake of argument only) that this is correct, it does not follow that one of ordinary skill in the art would perceive a reasonable chance of success in producing an article comprising an absorbent structure having the particularly claimed number of sheets and other characteristics.

a. The Reasoning Offered by the Office Action is Inadequate

First, as a general matter, one of ordinary skill in the art would not perceive a reasonable chance of success in using an absorbent structure comprising at least eight sheets for the reasons alleged in the Office Action. The sections relied upon from EP '463 state that "the use of porous material also has the advantage that the outer sides of the article are to some extent absorbent" and that "...the outer surfaces of the article are of softer, porous material to give some absorbency and improved handling."

However, EP '463 discloses a "closed sandwich" structure comprising two substrate layers bonded together in such a way as to create a plurality of compartments. EP '463 must be considered for all its teachings, and the stated advantage of using a porous material is in the context of identifying which "flexible sheet materials" are suitable for use in the **two** substrate layers. See, e.g. EP '463 at page 4. The Office Action provides no teaching from EP '463 that **more** layers would necessarily achieve a softer product or better absorbency, nor is softness/absorbency the primary aim of EP '463.

Additionally, as noted below, an important feature of the EP '463 sheet is the

plurality of compartments formed by the two substrate layers. The use of eight adjacent cellulosic layers could interfere with the proper functioning of the compartments, and thus the proposed modification could render EP '463 inoperative for its intended use.

b. The Office Action has Not Shown that One of Ordinary Skill Would Reach the Claimed Number of Layers to Reach The Allegedly-Desired Result of EP '463

Furthermore, even if one of ordinary skill in the art did attempt to increase the softness and absorbency through the use of multiple layers in the EP '463 sheet, it does not follow that one of ordinary skill in the art would perceive a reasonable chance of success in using at least **eight** layers as set forth in claims 1, 33, and 52. These considerations apply even more forcefully with regard to claims 23 and 56, which recite at least **twelve** layers, and claim 57, which recites at least **eighteen** layers.

Regardless of the particular fibers involved, the higher number of layers would substantially increase the bulk of the cleaning sheet. See, for instance, Applicants' discussion at page 42 ("In general, the absorbent structure 334 may contain at least 8 layers, at least 12 layers, at least 18 layers, and in one embodiment can contain at least 20 layers. By increasing the number of layers, the absorbent structure obtains more sponge-like characteristics.").

EP '463, however, does not envision a bulky or sponge-like product. Instead, EP'463 contemplates an article "comprising a first substrate layer and a second substrate layer so bonded together as to create a plurality of compartments therebetween, at least some of said compartments containing active material and at least some of said compartments being provided with one or more perforations in one or each of the substrate walls defining said compartments." (EP '463 at page 2, line 31 to page 3, line 6).

In discussing its examples 3-6, EP '463 notes that "none of the articles felt harsh to the touch, and on wetting with hand-hot tap water (about 50°C) were flexible enough to be comfortably folded or crumpled in the hand for use." (EP '463 at page 19).

Thus, even if one of ordinary skill in the art would attempt to add one or two layers to EP '463 for the proffered reason, the Office Action has not shown why one of

ordinary skill would continue on to eight, twelve, or eighteen layers since EP '463 does not contemplate a sponge-like product. Even if EP '463 desires softness as a subsidiary goal, the use of at least eight layers would not necessarily achieve this result, since the cleaning sheet would become more bulky with each additional layer.

2. Especially When the Particular Characteristics of the Layers are Considered, It Would not Be Obvious to One of Ordinary Skill to Assemble the Claimed Number of Layers

Even assuming one of ordinary skill in the art would experiment with the number of layers in EP '463, the result of routine experimentation would not necessarily be at least eight paper webs containing high yield fibers if "softness" were the desired result. As noted by Vinson et al. at Col. 2, lines 36-44, use of high yield fibers "contributes to the loss of the velvety feel which is imparted by prime fibers selected because of their flaccidness." Thus, it is not clear from the Office Action why one of ordinary skill in the art, concerned with the softness of the EP '463 sheet would choose to use high yield fibers at all, especially multiple layers of webs comprising such fibers.[1] Particularly, claims 1 and 45 each recite an absorbent structure comprising webs containing at least 5% by weight high-yield fibers.

To one skilled in the art, the incorporation or additional layers will increase the total modulus of the composite and not enhance a softness characteristic. Rather, additional layers would greatly detract from perceived softness.

C. Other Considerations

The Office Actions to date have yet to address the claimed subject matter of dependent claims 26, 46, 58, which each state that "one set of apertures are formed into one side of the absorbent structure while a second set of apertures are formed into an opposite side of the absorbent structure, the apertures of the first set being

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[1] Vinson mentions the use of filler material to soften tissue paper webs that can comprise high-yield fibers. See, e.g., Col. 26, lines 11-17. It is not clear that the multi-layered tissue webs could withstand the intended use of EP '463 (i.e. dishwashing and the like).

positioned in the Z-direction offset from the apertures of the second set." Thus, allowance of those claims is respectfully requested.

Applicants request that the provisional double-patenting rejections continue to be held in abeyance.

To the extent other aspects of the obviousness or other rejections are not addressed herein, Applicants wish to note that failure to address a particular rejection is not intended as an admission that the rejection or its underlying assumptions/interpretations of the claims or references is correct.

D. Conclusion

For at least the reasons set forth herein, Applicants request withdrawal of the present rejections. Applicants encourage the Examiner to contact the undersigned with any questions or comments.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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10 June 2008
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